

**Water Management Act
Blue Ribbon Panel 2006**

Opening Remarks for the Massachusetts Water Works Association

In April 2004 DEP issued a new policy and guidance document related to permits, permit amendments and 5-year reviews under the Water Management Act. The policy represented a drastic change in direction relative to implementation of the Water Management Act. It was created without any input from the regulated community and, we are told, without input from the environmental community.

As MWWA members reviewed the policy it became immediately clear that compliance for many water systems would be difficult, likely impossible and definitely costly. Furthermore, it became increasingly evident that the underpinnings of the policy were at best weak and without merit. Our concerns were conveyed to DEP and EOEa yet our many questions remained unanswered. DEP convened a focus group and a number of working groups in the summer of 2005 to discuss WMA issues but the scope of these groups was limited to implementation issues-the policy standards, science behind the policy and process by which the policy was adopted were not eligible for discussion.

Having reached a communication dead end with state agencies, MWWA turned to the legislature for help. In October 2005 an Oversight Hearing before the Joint Committee on Environment, Natural Resources and Agriculture was held. From this hearing it was obvious that there were great differences of opinion relative to the interpretation of data, assessment of impacts, causes of low streamflow and solutions to streamflow problems. While the Oversight Hearing provided an opportunity for all sides to state their issues it did not produce any resolutions or recommendations to settle the dispute. However, among the more reasonable attendees on both sides of the issue there was some inkling that common ground did exist and that further, meaningful discourse might narrow the gap. State environmental agencies failed to take advantage of this opportunity to encourage more communication on the matter and instead DEP re-issued its policy in January 2006 with inconsequential changes.

I restate, some may say re-hash, this history so that all present may understand why we are here and what has lead MWWA to pursue legislative action to create this Panel. Too many of our questions about the basic tenets of the policy remain unanswered. Contradictions have been uncovered and remain unclarified. Water suppliers, engineers and scientists in the water works profession have delved into the policy only to find that it is even less credible in terms of scientific validity than originally thought. What has emerged is a clear understanding that this policy is not balanced or reasonable and that it will be ineffective. As such, the policy needs to be revoked and replaced with a rule that is lawful, effective and inclusively created.

MWWA comes to these Blue Ribbon Panel meetings with the intent to listen and to be heard. We seek answers to many questions and welcome the opportunity to fully explain our perspective while hoping to better understand other viewpoints. MWWA is committed to raising the level of communication and understanding between all parties. Ultimately, in partnership with other represented groups, we seek to produce a roadmap toward lawful, science-based, cost

Appendix C – Comments from Massachusetts Water Works Association (MWWA)

effective regulations that will protect and enhance our water resources, assure plentiful and affordable water supplies for residents and businesses of the Commonwealth and allow reasonable, balanced and cost effective water resource management.

MWWA would like to thank Senators Augustus and Murray for their efforts to create this much needed opportunity for civil discourse and to thank Senators O'Leary, Panagiotakos, Brown, Moore, Tarr and Timilty for their adamant support of this endeavor.

Respectfully,

Philip D. Guerin
Co-Chair
MWWA Legislative Advisory Committee

For the MWWA Board of Directors